

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK A. NIXON,) Civil Action No. 2: 14-cv-1358
Petitioner,) United States Magistrate Judge
v.) Cynthia Reed Eddy
R. A. PERDUE,)
Respondent.)

ORDER

On October 8, 2014, Mark A. Nixon, a federal inmate confined at FCI Gilmer, Glenville, West Virginia, filed a Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2241, in the United States District Court for the Western District of Pennsylvania. Further, Petitioner filed an application to proceed *in forma pauperis*. (ECF No. 1.)

Petitioner alleges that the Federal Bureau of Prisons (“BOP”) has improperly calculated his sentence. He alleges that the BOP has not provided him with credit against his federal sentence for time spent in a court-ordered treatment in-patient program.

Petitioner names as sole Respondent R. A. Perdue, Warden at FCI Gilmer. Petitioner’s habeas petition has not yet been served on Respondent for a response.

The Court notes that absent unusual circumstances, a habeas petition filed pursuant to § 2241 must be heard in the judicial district where petitioner is under custody. *Rumsfield v. Padilla*, 542 U.S. 426, 443 (2004). *See also Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 489 (1973).

In the instant case, Petitioner is confined in a federal prison in Glenville, West Virginia, which is located within the United States District Court for the Northern District of West Virginia. Therefore, jurisdiction of the instant action lies in West Virginia, not Pennsylvania.

AND NOW, this 8th day of October, 2014:

It is hereby **ORDERED** that the Clerk of Court is **DIRECTED** to transfer this case to the United States District Court for the Northern District of West Virginia **FORTHWITH**. The Court defers to the transferee court for ruling on Petitioner's *in forma pauperis* motion.

BY THE COURT:

s/ Cynthia Reed Eddy
United States Magistrate Judge

cc: MARK A. NIXON
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(via U.S. First Class postage)